

## **MEMORANDUM**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: HUNTER WALKER, THOMAS V. DANNHEISSER, MEL LEONARD &  
ROGER BLAYLOCK**

**DATE: JULY 29, 1999**

**RE: SPECIAL GRAND JURY REPORT**

Pursuant to Board of County Commissioners direction of July 8, 1999, staff has conducted an initial review of the Special Grand Jury Report. The purpose of this memorandum is to provide information regarding aspects of the report relating to Santa Rosa County and to make suggestions for positive action. This memorandum is just a starting point and it is anticipated that citizens and commissioners will have additional input and recommendations.

This initial review does not address every item contained in the Report. Please advise staff if there are any other items you wish to be reviewed.

The Special Grand Jury Report positively identifies opportunities for increased environmental protection. Current county regulations in the areas addressed by the Special Grand Jury Report are generally strong and as recognized by the Special Grand Jury compare well with other governmental bodies. This memorandum specifies a number of other actions that can be considered by the Board to address problems identified in the Special Grand Jury Report in order to provide additional safeguards for protection of our environment and quality of life.

### **Background**

A review of the report is necessarily limited to the document itself. Contrary to proceedings of other public bodies, a grand jury proceeding is mandated by law to be secret and all jurors are sworn to secrecy. All notes and records of the grand jury are sealed and can only be opened by court order. Any person who discloses testimony of a witness before a grand jury is guilty of a first degree misdemeanor.

Sometimes the grand jury report specifically references a governmental body and related items of concern. However, there are some general comments that do not reference a specific governmental body but do not appear to be applicable to all.

### **Stormwater Regulations**

One area that received significant attention was stormwater regulations. (p. 102 – 105). The report states that “there is little stormwater regulation local, state or federal.” (p. 105)

This blanket statement is bewildering in that Santa Rosa County’s and the City of Milton’s stormwater regulations are among the most stringent in the state.

The following is a stormwater requirement comparison with other counties and water management districts:

#### **BASIC STORMWATER REQUIREMENT COMPARISON**

	<b><u>SANTA ROSA</u></b>	<b><u>ESCAMBIA</u></b>	<b><u>OKALOOSA</u></b>
<b>RETENTION (quality)</b>	<b><u>ONE INCH</u></b> (1")	<b><u>ONE HALF</u></b> INCH (1/2")	<b><u>ONE INCH</u></b> (1")
<b>DETENTION (quantity)</b>	<b><u>100 YEAR</u></b> CRITICAL DURATION	<b><u>25 YEAR</u></b> CRITICAL DURATION	<b><u>25 YEAR</u></b> CRITICAL DURATION
<b>CLOSED BASIN</b>	<b><u>100 % OF 100 YEAR</u></b> 24 HOUR RAINFALL <b><u>ALL</u></b>	100 % OF 100 YEAR 24 HOUR RUNOFF <b><u>DIFFERENCE*****</u></b>	100 % OF 100 YEAR 24 HOUR RUNOFF <b><u>DIFFERENCE*****</u></b>

	<b><u>ST. JOHNS WMD*</u></b>	<b><u>SW FL. WMD***</u></b>	<b><u>LEON****</u></b>
<b>RETENTION</b>	<b><u>ONE HALF</u></b> INCH (1/2") RUNOFF OR 1-1/4" RAINFALL (DIFF. "C")	<b><u>ONE HALF</u></b> INCH (1/2")	<b><u>ONE HALF</u></b> INCH (1/2")
<b>DETENTION</b>	<b><u>25 YEAR</u></b> 24 HOUR CRITICAL DURATION **	<b><u>25 YEAR</u></b> CRITICAL DURATION	<b><u>25 YEAR</u></b> CRITICAL DURATION UP TO 24 HOURS
<b>CLOSED BASIN</b>	<b><u>25 YEAR</u></b> 96 HOUR VOLUME <b><u>DIFFERENCE*****</u></b>	100 % OF 100 YEAR 24 HOUR RUNOFF <b><u>DIFFERENCE*****</u></b>	100% OF 100 YEAR 24 HOUR RUNOFF <b><u>DIFFERENCE*****</u></b>

\*COMMERCIAL BUILDING LESS THAN 5000 SF OR SITES WITH LESS THAN 4000 SF OF IMPERVIOUS ARE EXEMPT FROM REQUIREMENTS.

\*\*RESIDENTIAL PROJECTS LESS THAN 40 ACRES ONLY HAVE TO PROVIDE WATER QUALITY.

\*\*\*AMAZED WE ARE SO STRINGENT (SW FL WMP STORMWATER PERMITTER)

\*\*\*\*WOW! THAT'S SEVERE! WOW! (LEON COUNTY STORMWATER PERMITTER).

\*\*\*\*\***DIFFERENCE** BETWEEN PRE-DEVELOPMENT AND POST-DEVELOPMENT

As you can note, various stormwater permittees from other agencies were surprised at the strictness of Santa Rosa County's regulations.

The engineering department has contacted DEP and other regulatory agencies and could not identify any agency with regulations significantly more stringent than Santa Rosa County.

Mr. Eric Livingston, DEP's chief stormwater expert has related that the regulations that the Board has adopted are among the best that have been adopted by local governments and water management districts.

Therefore, the important environmental issue in Santa Rosa County does not appear to be the adequacy of our stormwater regulations. As outlined in our recommendations, the identification and improvement of preexisting substandard stormwater outfalls appears to be an opportunity for improving environmental quality.

The Special Grand Jury Report notes that a source of pollution for the Blackwater River Basin are clay/sand roads. No funding source exists that could provide for the paving of all dirt roads. However, staff recommends that the Board amend the dirt road paving priority guidelines to give an increased priority for dirt roads found to be a significant contributor of erosion and sediment runoff.

### **Barrier Island Development**

The report makes a general statement (p. 116) that the grand jury discovered that important parts of our barrier islands were sold cheaply to developers and are now proposed for intense development rather than pursued by local government for use by the general public.

This reference did not appear to relate to Navarre Beach. As the Board is aware, Santa Rosa County has maintained a moratorium on new leases since 1992. Additionally, Santa Rosa County has been vigorously pursuing the establishment of a state park on the eastern mile of Navarre Beach which would include the donation by Santa Rosa County of property valued in the tens of millions of dollars.

Mr. Edgar who as assistant state attorney assisted the Special Grand Jury was able to confirm that this reference was not directed towards Santa Rosa County.

### **Septic Tank Abatement**

The Special Grand Jury Report notes but does not quantify the fact that Santa Rosa County's Land Development Code is more restrictive than state law regarding requiring development to utilize central sewer.

The Special Grand Jury Report points out that in 1996 the legislature relaxed septic tank regulations by exempting subdivisions of less than fifty (50) lots from central sewer connection requirement.

Fortunately, Santa Rosa County's regulations do not provide an exemption based on number of lots. Mr. Bill Sirmans of the Santa Rosa County Health Department fully supports Santa Rosa County's decision not to exempt smaller subdivisions and enjoys relating to health department permittees from other parts of the state that the exemption does not exist in Santa Rosa County.

While Santa Rosa County's sewer connection requirements are strong, additional septic tank construction standards could be implemented to improve the treatment process of septic tanks and provide a better value for the homeowner.

According to Mr. Sirmans, the one most important change that could be enacted would be to require a split laundry system for all septic tanks. Bill indicated that this would provide environmental benefits by significantly improving the treatment function and would also help the homeowner avoid more costly future repair bills caused by premature septic tank failure. The Board may wish to solicit input from Mr. Sirmans and other experts in this field to determine if split systems should be required.

Additionally, staff suggests that the Board review the current state standards regarding septic tank setback from water bodies and wetlands. New state law provisions appear to have weakened previous setback standards.

Staff recommends expedited implementation of the Long-Range Planning Committee's recommendations regarding septic tank abatement. Certain areas have been identified as candidates for sewerage and septic tank removal. (i.e. Soundside Drive) The priority would be areas in proximity to water bodies where sufficient numbers of homes exist to fund the improvements. In areas that qualify for available grants, such grants should be pursued. (Floridatown, Bagdad...) Areas not qualifying for grants have utilized the MSBU process. (Fox Den, Woodlore, Stanford Dr., Wes Vic)

### **Treated Wastewater Discharge**

The Report identifies the various sources directly discharging treated wastewater into area waters. Santa Rosa County discharges effluent at the Navarre Beach plant, which is permitted as Advanced Wastewater/Tertiary treatment.

The Navarre plant discharges 1.3% of the total effluent directly discharged in the two county area. Although AWT/Tertiary treatment is in compliance with all applicable regulations, it is generally agreed that mainland application is preferable. It is anticipated that regulatory agencies will encourage elimination of direct discharge.

Therefore it is recommended that Santa Rosa County pursue modification of its discharge to mainland application. Current thoughts are Eglin AFB property. This course could be pursued either independently or in partnership with other utility systems. We recommend this action rather than to construct expensive reuse facilities/infrastructure on the Beach, which would be subjected to continuous threat from storms.

Additionally consideration should be given to establishing a long term goal of removing the Navarre Beach WWTP from the Beach. The treated effluent crossing referenced above could be converted to a raw wastewater crossing and pump waste to a safer mainland treatment plant. The bond payments for the current plant will be paid in 2003, thus freeing up a funding source for mainland treatment.

In light of recent sewage accidents, we should identify and evaluate critical WWTP components for redundancy and double the capacity of the existing reject pond on the Beach. This would provide additional safeguards to avoid the discharge experienced recently on Pensacola Beach.

### **Recommendations**

County staff recommends that the following items be considered by the Board to implement and supplement the Special Grand Jury recommendations.

1. Remove the Navarre Beach Wastewater Treatment Plant (WWTP) effluent from Santa Rosa Sound and dispose of the effluent on suitable mainland area either individually or in conjunction with another utility
2. Establish long term goal to remove the Navarre Beach WWTP from the Beach.
3. Identify and evaluate critical WWTP components for redundancy and double the capacity of the existing reject pond on the Beach to provide an added factor of safety.
4. Identify County stormwater outfalls discharging inadequately treated stormwater into lakes, rivers, streams, bays, bayous, sound, and Gulf. Evaluate each outfall and develop plans and estimates of probable costs for remediation. Identify funding mechanisms/sources (i.e. stormwater utility) and develop a prioritized implementation program.
5. Continue on an expedited basis implementation of long range planning committee's recommendations regarding septic tank abatement. Proceed with establishment of sewer improvement MSBU's in environmentally sensitive areas.
6. Consider amendment of Land Development Code to require split laundry systems for septic tanks.

7. Review current state regulations regarding septic tank setbacks from water bodies and wetlands.

8. Give added priority to dirt road paving projects, which address erosion and sediment runoff problems.